

Notice of Allowability

Application No.

10/801,124

Applicant(s)

FORBES, JAMES W.

Examiner

Lars A Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after-final amendment received from the applicant on April 29, 2005.
2. ☒ The allowed claim(s) is/are 1-56.
3. ☒ The drawings filed on 15 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Reasons for Allowance

1. An after-final amendment was received from the applicant on April 29, 2005.
2. Claims 1-56 are allowed.
3. The following is an examiner's statement of reasons for allowance. The center beam railroad car as claimed is not shown or suggested in the prior art because of the use of a center beam railroad car that is comprised of a deck structure for carrying vertical loads, said deck structure having first and second end portions and a medial portion that lies between said first and second end portions, said first and second end portions being stepped upwardly from said medial portion, first and second end bulkheads that extend upwardly from opposite ends of said deck structure, and a center beam assembly that runs lengthwise along said car between said bulkheads, where at least one of said first and second end portions are stepped upwardly relative to said medial portion by a distance of at least 30 inches.
4. The prior art as disclosed by Clark et al. (US 6,470,808) shows the use of a center beam railroad car that is comprised of a deck structure for carrying vertical loads, said deck structure having first and second end portions and a medial portion that is disposed between said first and second end portions, said first and second end portions being stepped upwardly from said medial portion, first and second bulkheads that extend upwardly from opposite ends of said deck structure, and a center beam assembly that runs lengthwise along said car between said bulkheads and stands upwardly from said deck structure, where said first and second end portions are

stepped upwardly relative to said medial portion by 16 inches. Clark et al. suggests that other embodiments of said center beam railroad car may have first and second end portions stepped upwardly relative to said medial portion by 19 inches, or even as much as 30 inches, but does not disclose any structure to indicate that a step height of 30 inches is feasible or possible. Dominguez et al. (US 4,951,575) discloses a depressed center beam railroad car that includes a coupler that is mounted in a draft pocket, and a draft pocket cap plate that is mounted within a center sill end portion between a pair of spaced apart webs. However, none of the prior art cited shows or suggests the use of a center beam railroad car that is comprised of a deck structure for carrying vertical loads, said deck structure having first and second end portions and a medial portion that lies between said first and second end portions, said first and second end portions being stepped upwardly from said medial portion, first and second end bulkheads that extend upwardly from opposite ends of said deck structure, and a center beam assembly that runs lengthwise along said car between said bulkheads, where at least one of said first and second end portions are stepped upwardly relative to said medial portion by a distance of at least 30 inches.

Conclusion

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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6. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

May 16, 2005

LARS A. OLSON
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "Lars Olson".

5/16/05